

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

ROW VAUGHN WELLS, INDIVIDUALLY  
AND AS ADMINISTRATRIX OF THE  
ESTATE OF TYRE DEANDRE NICHOLS,  
DECEASED,

Plaintiffs,

V.

CASE NO. 2:23-CV-02224  
JURY DEMAND

THE CITY OF MEMPHIS, A MUNICIPALITY;  
CHIEF CERELYN DAVIS, IN HER OFFICIAL  
CAPACITY; EMMITT MARTIN III, IN HIS  
INDIVIDUAL CAPACITY; DEMETRIUS  
HALEY, IN HIS INDIVIDUAL CAPACITY;  
JUSTIN SMITH, IN HIS INDIVIDUAL  
CAPACITY; DESMOND MILLS, JR. IN HIS  
INDIVIDUAL CAPACITY; TADARRIUS  
BEAN, IN HIS INDIVIDUAL CAPACITY;  
PRESTON HEMPHILL, IN HIS INDIVIDUAL  
CAPACITY; ROBERT LONG, IN HIS  
INDIVIDUAL CAPACITY; JAMICHAEL  
SANDRIDGE, IN HIS INDIVIDUAL  
CAPACITY; MICHELLE WHITAKER, IN HER  
INDIVIDUAL CAPACITY; DEWAYNE  
SMITH, IN HIS INDIVIDUAL CAPACITY  
AND AS AGENT OF THE CITY OF  
MEMPHIS.

Defendants.

## DEFENDANT THE CITY OF MEMPHIS' RESPONSES TO PLAINTIFF'S FOURTH REQUESTS FOR PRODUCTION

Defendant the City of Memphis (“the City”), pursuant to Rule 34 of the Federal Rules of Civil Procedure, responds to Plaintiff’s Fourth Requests for Production as follows:

The City reserves the right to amend or supplement these responses as additional information become available through discovery and/or expert opinion or otherwise.

All Bates Numbers listed in this document refer to the beginning Bates Number of the document unless specifically noted otherwise.

### **RESPONSES TO FOURTH REQUESTS FOR PRODUCTION**

102. Produce any and all Memphis City Council committee minutes, memorandum, recordings, video, notes, bulletins, and/or documentation created during and/or related to the hiring of Cerelyn Davis from April 2020 to April 2021.

**RESPONSE:** Upon a diligent search and inquiry, the City states that it does not have any responsive documents for the period identified. The City has identified Bates Nos. COM\_0063836 and COM\_0063852, which are meeting minutes and an agenda from the May 4, 2021 City Council meeting reflecting the appointment of Chief Davis. The video from the same May 4, 2021 meeting is available at this link: [https://memphis.granicus.com/player/clip/8304?view\\_id=6&redirect=true](https://memphis.granicus.com/player/clip/8304?view_id=6&redirect=true).

103. Produce any and all Memphis City Council committee minutes, memorandum, recordings, video, notes, bulletins, and/or documentation created during and/or related to the Memphis City Council Public Safety Committee Meeting on December 6, 2022.

**RESPONSE:** The City identifies Bates Nos. COM\_0063824 and COM\_0063684. The requested video is available at this link: <https://memphis.granicus.com/player/clip/9207>.

104. Produce an accounting of the City of Memphis Fiscal Year 2023, 2024, and 2025 “Rainy Day” fund budget, including the balance of that fund at the beginning of each fiscal year, the balance of that fund at the end of each fiscal year, and how the used funds were allocated each year.

**RESPONSE:** The City objects to this Request as not reasonably calculated to lead to relevant evidence. The City further objects on the basis that the request is overbroad and not proportional to the needs of this case. The City further objects to this Request on the basis that the term “Rainy Day fund” is vague and undefined. The City is withholding documents potentially responsive to this Request.

105. Produce all records documenting Memphis Fire Department ambulance response times, inclusive of all documents and/or other records that describe the reason for ambulance dispatch, from January 1, 2018 – January 10, 2023.

**RESPONSE:** The City identifies Bates No. COM\_0059788. The City states in further response that documents responsive to this request are publicly available online at <https://data.memphistn.gov/>.

106. Produce all records concerning additional training or policies provided to SCORPION Unit officers when those officers were assigned from other Memphis Police Department units to the SCORPION unit, including but not limited to additional training in high-risk traffic stops, response to resistance, lawful search and seizure, handcuffing, pursuits, and use of excessive force / unnecessary force and any list of training courses required for new SCORPION Unit members.

**RESPONSE:** The City identifies Bates Nos. COM\_0047044, COM\_0047162, COM\_0047169, COM\_0047192, COM\_0047211, COM\_0047222, COM\_0047253, COM\_0047255, COM\_0047260, COM\_0047264, and COM\_0048088–0048094.

107. Produce all of the submitted Blue Team Reports corresponding to the Response to Resistance incidents listed on the Response to Resistance Log, COM\_0039523 – 0039527, and corresponding to the Response to Resistance Forms, COM\_0038650 – 0039522 (produced by City of Memphis to Plaintiff on June 20, 2024).

**RESPONSE:** The City objects on the ground that the term “Blue Team Reports” is undefined. The City is potentially withholding documents responsive to this Request.

108. Produce all excessive force civilian or administrative (as defined by section 1.3 in the ISB Standard Operating Procedures 2023) complaints filed against Memphis Police Department SCORPION Unit Officers from November 1, 2021 through January 10, 2023, and any corresponding

records and/or reports of ISB Investigations into those complaints.

**RESPONSE:** The City will produce ISB files responsive to this Request in an upcoming production. The City will provide an updated production inventory with Bates Numbers at that time.

109. Produce all excessive force civilian or administrative (as defined by section 1.3 in the ISB Standard Operating Procedures 2023) complaints filed against any Memphis Police Department Organized Crime Unit Officers from January 1, 2018 through January 10, 2023 and any corresponding records and/or reports of ISB Investigations into those complaints.

**RESPONSE:** The City objects to this request on the ground that is overbroad. Subject to and without waiving said objection, the City will produce ISB files for excessive force complaints filed against OCU officers from January 1, 2021 through January 10, 2023. The City will provide an updated production inventory with Bates Numbers at that time.

110. Produce all Memphis Police Department excessive force complaints and ISB Security Squad Investigations referred to the Shelby County District Attorney's Office for review from January 1, 2018 through January 10, 2023.

**RESPONSE:** The City objects to this request on the ground that is overbroad. Subject to and without waiving said objection, the City is producing excessive force complaints and ISB Security Squad Investigations referred to the Shelby County District Attorney's Office for review from January 1, 2021 through January 10, 2023. The City identifies Bates Nos. COM\_0059906, COM\_0059960, COM\_0060101, COM\_0060232, COM\_0060474, COM\_0060728, COM\_0060814, COM\_0060861, COM\_0061015, COM\_0061150, COM\_0061336, COM\_0061516, COM\_0061657, COM\_0061832, COM\_0061917, COM\_0062072, COM\_0062245, COM\_0062347, COM\_0062521, COM\_0062734, COM\_0062864, COM\_0063068, COM\_0063214, COM\_0063458, and COM\_0063572.

111. Produce all monthly reports furnished to the Commission on Accreditation for Law Enforcement Agencies (CALEA) responsive to their April 6, 2023 suspension notice. *See* COM\_0044372, COM\_0044373.

**RESPONSE:** The City identifies Bates Nos. COM\_0058153, COM\_0058195, COM\_0058224, COM\_0058382, COM\_0058712, COM\_0058751, COM\_0058781, COM\_0058875, COM\_0058902, COM\_0059082, COM\_0059158, COM\_0059388, COM\_0059556, COM\_0059703, and COM\_0059745.

112. Produce any and all internal Memphis Police Department memorandum, bulletins, emails, notes, or documents regarding the Memphis Police Department's CALEA suspension notice on April 6, 2023.

**RESPONSE:** The City identifies Bates Nos. COM\_0059082 and COM\_0059806.

113. Produce any and all internal Memphis Police Department memorandum, bulletins, emails, notes, or documents regarding the creation of the SCORPION Unit, including but not limited to all Memphis Police Department bulletins dated November 12, 2021.

**RESPONSE:** The City objects to this Request to the extent that it seek documents protected by attorney-client privilege. The City is withholding documents to this Request, and the City will include those documents in an updated privilege log. Subject to and without waiving said objection, the City identifies Bates Nos. COM\_0057637, COM\_0057795, COM\_0058133, COM\_0058134, COM\_0058143, COM\_0058144, COM\_0058145, COM\_0058146, COM\_0058151, and COM\_0058318.

114. Produce all police reports pertaining to Memphis Police Department officers' encounter with Merico Coleman in 2022.

**RESPONSE:** The City objects to this Request as not reasonably calculated to lead to relevant

evidence. Subject to and without waiving said objection, the City states that, upon a diligent search and inquiry, it does not have documents responsive to this Request.

115. Produce all MPD disciplinary records pertaining to the incident referenced in Request No. 114.

**RESPONSE:** The City objects to this Request as not reasonably calculated to lead to relevant evidence. Subject to and without waiving said objection, the City states that, upon a diligent search and inquiry, it does not have documents responsive to this Request.

116. Produce all MPD Policy and Procedure handbooks produced or edited since January 1, 2023, including but not limited to the handbook draft shared with MPD employees on July 5, 2024.

**RESPONSE:** The City identifies Bates Nos.:

- COM\_0007847–COM\_0008129
- COM\_0008174–COM\_0008495
- COM\_0008535–COM\_0008885
- COM\_0008890–COM\_0008936
- COM\_0009100–COM\_0009342
- COM\_0009875
- COM\_0009901
- COM\_0009912
- COM\_0009972
- COM\_0009990
- COM\_0010004
- COM\_0016923
- COM\_0017731
- COM\_0017759
- COM\_0017809
- COM\_0017982
- COM\_0018042
- COM\_0018439
- COM\_0032514
- COM\_0032515
- COM\_0032520
- COM\_0038642
- COM\_0058135
- COM\_0058152
- COM\_0058176–COM\_0058187
- COM\_0058213
- COM\_0058216
- COM\_0058254–COM\_0058305
- COM\_0058320–COM\_0058374
- COM\_0058407–COM\_0058547
- COM\_0058551–COM\_0058693
- COM\_0058805–COM\_0058846
- COM\_0058939–COM\_0059073
- COM\_0059107–COM\_0059155
- COM\_0059202–COM\_0059222
- COM\_0059266–COM\_0059375
- COM\_0059408–COM\_0059553
- COM\_0059595
- COM\_0059623
- COM\_0059682
- COM\_0059730–COM\_0059740
- COM\_0059789
- COM\_0059791
- COM\_0059807–COM\_0059889

117. Produce any and all civilian or administrative complaints, ISB Investigations, or other documents regarding excessive force by SCORPION Unit Officers that were made after the incident involving Tyre Nichols was made public.

**RESPONSE:** The City will produce ISB files responsive to this Request in an upcoming production. The City will provide an updated production inventory with Bates Numbers at that time.

118. Produce for inspection all documents or other items produced to *or made available for inspection by* all news outlets through Public Records Requests pertaining to the MPD SCORPION Unit, *including but not limited to* WMC Action News Five, WATN, ABC 24, FOX 13, The Daily Memphian, and the Commercial Appeal. These documents include but are not limited to:

- a. the 126 excessive force complaints provided to WMC Action News Five from the period 2015 to 2019 that were referenced in the November 19, 2020 news article *The Investigators: MPD excessive force complaints rarely get more than an internal review* written by Jessica Jaglois and available at <https://www.actionnews5.com/2020/11/19/investigators-mpd-excessive-force-complaints-rarely-get-more-than-an-internal-review/> and
- b. the documents provided for the July 5, 2024 news article *Internal documents raise questions on creation of MPD's SCORPION unit, CJ Davis's Statements* written by Ben Wheeler and available at <https://www.localmemphis.com/article/news/local/internal-documents-raise-questions-on-memphis-police-scorpion-unit-cj-davis-statements/522-e4346729-3936-486e-b5cb-4b352e300836>.

**RESPONSE:** The City objects to this Request as unduly burdensome and not proportional to the needs of this case. Subject to and without waiving said objection, under Rule 34, the City is willing to make available for inspection excessive force complaints from the time period at issue in this litigation, which is mid-2021 through January 2023, at a mutually agreeable time. Moreover, the City states in further response that, upon a diligent search and inquiry, it does not have documents responsive to subsection (b) of this Request.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

*s/ Bruce McMullen*

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Chief Cerelyn Davis in her Official Capacity,  
and Dewayne Smith as Agent of the City of  
Memphis*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2024, a copy of the foregoing document was served on  
all counsel of record via e-mail:

*s/ Bruce McMullen*

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